

IN THE COURT OF SESSION, THALASSERY

Present: Sri. G.Girish, Sessions Judge.

Saturday, the 22nd day of October, 2022/30th Aswina, 1944.

Crl.M.C. No.1345/2022

(Crime No.1103/2022 of Taliparamba Police Station)

Petitioners/Accused:-

1. Ansar.T, S/o.Sakkeer Hussain, Aged 24 years,
Tharammal House, Panniyoor, Pallivayal.
2. Muhammad Jamsheer, S/o.Noorudheen, Aged 34 years,
Cheppilattu Mattool South, Panniyoor Pallivayal.

Respondent/Complainant:-

State: SHO, Taliparamba Police Station,
Rep. by Public Prosecutor, Thalassery.

Petition under Section 439 Cr.P.C. for bail.

This petition coming on the 21st day of October, 2022 for hearing before me in the presence of Sri. Muhammed Shabeer.K.C, Advocate for the petitioners and the Public Prosecutor for the State and having stood over for consideration till this day, the Court passed the following:-

ORDER

The accused No.1 and 2 have filed this petition u/s.439 Cr.P.C for regular bail.

2. The prosecution case is that the accused No.1 and 2 along with several others criminally trespassed into the mobile phone and electronic shop of the defacto complainant at Elamberampara on Kooveri amsom at about 10.05 am on 23.09.2022 and caused destruction to the items kept in that shop causing a loss to the tune of Rs.8000/- after criminally intimidating the defacto complainant for opening his shop on hartal day. Thus the accused are alleged to have committed the offence punishable u/ss. 452, 506, 427, 188, 109 r/w 34 IPC and Section 3 r/w 5 of the Kerala Prevention of Damage to Private Property and Payment of Compensation Act, 2019.

3. The case has been registered by the Taliparamba Police on 23.09.2022 on the basis of the First Information Statement given by the defacto complainant.

4. The accused No.1 and 2 were arrested on 24.09.2022 and remanded to judicial custody.

4. In the present petition, the petitioners would contend that they are totally innocent and that they have been falsely implicated in this case.

5. Bail application is opposed by the learned Public Prosecutor.

6. The incident involved in this case is one among the hundreds of violence and anti-social activities perpetrated by an organisation throughout Kerala on 23.09.2022 as part of the notorious hartal of that day. The life, safety and personal liberty of the whole law abiding citizens were taken for a ride by a group of hooligans under the guise of a protest against the arrest of certain leaders of that organisation. The loss sustained to the public and private property due to that hartal amounted to crores of rupees. Hundreds of persons suffered serious injuries in the violence celebrated by the anti-social elements who unleashed terror and intimidation upon the general public. Thus the incident involved in this case is of extremely serious nature. The case diary would reveal that the petitioners herein were actively involved in the criminal act of trespassing upon the shop of the defacto complainant, destroying the valuable items kept in that shop and criminally intimidating the defacto complainant for opening his shop on that hartal day. It is of no doubt that if bail is granted to the petitioners, the defacto complainant and other witnesses would be put to the risk of criminal intimidation and further assault by the accused. The chances of accused absconding and involving in offences of similar nature cannot be ruled out. That apart, the release of the petitioners on bail at this stage would give a wrong message to the society. Therefore, I am of the view that the petitioners/accused No.1 and 2 are not entitled for regular bail as prayed for in the petition.

In the result, the petition is hereby dismissed.

(Dictated to the Confidential Assistant transcribed and typed by him, corrected and pronounced by me in open Court, this the 22nd day of October, 2022).

Sd/-
SESSIONS JUDGE

Copy to:-

1. The Judicial First Class Magistrate, Taliparamba.
2. The SHO, Taliparamba Police Station.
3. The Petitioners.

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